

**IN THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

IN RE:

MARIA GABRIELA STOIBER,

Debtor.

CASE NO. 11-31714

CHAPTER 11

MOTION TO REFINANCE REAL PROPERTY

**THIS PLEADING REQUESTS RELIEF WHICH MAY BE
ADVERSE TO YOUR INTEREST.**

**IF NO TIMELY RESPONSE IS FILED WITHIN TWENTY-
ONE (21) DAYS FROM THE DATE OF SERVICE, THE
RELIEF REQUESTED HEREIN MAY BE GRANTED
WITHOUT A HEARING BEING HELD.**

**A TIMELY FILED RESPONSE IS NECESSARY FOR A
HEARING TO BE HELD.**

**TO THE HONORABLE H. CHRISTOPHER MOTT, UNITED STATES BANKRUPTCY
JUDGE:**

COMES NOW Maria Gabriela Stoiber, Debtor in this case, by and through her attorney of record, Sidney J. Diamond of Diamond Law and file this Motion to Refinance Real Property on Negative Notice and would respectfully show the Court as follows:

1. Debtor filed for relief under Chapter 11 of Title 11, United States Code on September 2, 2011.
2. The Debtor is a Debtor-In-Possession, as that term is defined Section 1101 of Title, United States Code and remains in possession of her property and carry on her business affairs.

3. The property in question is owned by Robbie D. Wolff and the Debtor does not have any ownership interest in the property except that her name was added to the Deed of Trust. Robbie D. Wolff proposes to refinance the house with Security National Mortgage Company, A Utah Corporation for \$123,900.00 on a 30 year note at 4%, with the monthly payment being \$945.72 per month. The Property is described as Tierra Del Sol Este Unit Sixteen, Block 73, Lot 10, El Paso County, Texas, 12532 Tierra China Court, El Paso, TX 79938-4761. A copy of the Settlement Statement (HUD-1) is attached hereto as Exhibit "A".

4. The Debtor is current in her monthly operating reports and payments to the United States Trustee. The Debtor asserts that refinancing the house is in the best interest of the Debtor, the Estate of the Debtor and her Creditors.

WHEREFORE, the Debtor Prays:

1. That the Court enter its Order authorizing the Debtor to enter into a Real Estate Contract and refinance the real property as stated in the Settlement Statement (HUD-1); and,

2. For such other and further relief as the Debtor may show herself justly entitled.

DATED: January 27, 2012.

Respectfully submitted,

DIAMOND LAW,

By: /s/Sidney J. Diamond
Sidney J. Diamond
Attorney For Debtor
Texas Bar Card No.: 5803000
3800 N. Mesa, Suite B-3
El Paso, Texas 79902
915-532-3327 Voice
915-532-3355 Fax
sidney@sidneydiamond.com Email

MOTION TO REFINANCE REAL PROPERTY, Page 2

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CERTIFICATE OF SERVICE

I, Sidney J. Diamond, do hereby certify that on January 27, 2012, a true and correct copy of the foregoing Debtor's Motion to Refinance Real Property on Negative Notice was mailed by depositing the same in the United States Mail, properly addressed and postage prepaid, or by fax or email as noted, to the following parties:

THE DEBTOR:

Maria Gabriela Stoiber
12532 Tierra China Court
El Paso, TX 79912

UNITED STATES TRUSTEE:

Kevin Epstein
Office of the U.S. Trustee
P.O. Box 1539
San Antonio, TX 78295-1539

VIA EMAIL: USTPRegion07.SN.ECF@usdoj.gov

PARTIES IN INTEREST PREVIOUSLY REQUESTING:

City of El Paso
c/o David G. Aelvoet
711 Navarro, Suite 300
San Antonio, TX 78205-1749

VIA EMAIL: sanantonio.bankruptcy@publicans.com

**ALL CREDITORS AND PARTIES IN INTEREST AS SHOWN ON THE ATTACHED
EXHIBIT "B"**

/s/ Sidney J. Diamond
Sidney J. Diamond

Andrew Goldberg Rosicki, Rosicki & Associates P 51 E. Bethpage Road Plainview, NY 11803	Chase Bank of Texas 4266902035061645 Po Box 15298 Wilmington, DE 19850	Linebarger, Goggan Blair & Samp 711 Navarro, Ste. 200 San Antonio, TX 78205
Automatic Laundry Co., Ltd. 140 Gail Borden, Unit A-2 PO Box 370670 El Paso, TX 79937	City of El Paso 2 Civic Center Plaza El Paso, Texas 79901	Mayan Palace AC1062 & N5035 PO Box 911841 Houston, TX 77227
Automatic Laundry Company, Ltd. 140 Gail Borden, Unit A-2 PO Box 370670 El Paso, TX 79937	City of El Paso 903 MF/10-5148 2 Civic Center Plaza El Paso, Texas 79901	Melissa F. Johns, Esa. MacGray Services, Inc. 404 Wyman St. Waltham, MA 02451
Bank Of America 5466322220689438 Po Box 17054 Wilmington, DE 19850	City of El Paso El Paso Tax Assessor/Collector PO Box 2992 El Paso, TX 79999-2992	Midland Credit Management 8530319795 PO Box 60578 Los Angeles, CA 90060-0578
Bank of America Mortgage P.O. Box 650070 Dallas, Texas 75265-0070	City of El Paso Tax Assessor Co c/o Linebarger, Goggan Blair & 711 Navarro, Ste. 200 San Antonio, TX 78205	Robbie Wolff 14028 Desert Lily El Paso, TX 79928
Barclays Bank Delaware 4397078080077224 Attention: Bankruptcy PO Box 8801 Wilmington, DE 19899	Dsnb Macys 4363994498120 9111 Duke Blvd Mason, OH 45040	San Francisco Historic District PO Box 55 El Paso, TX 79940
Capital One, N.a. 479124233306 Capital One Bank (USA) N.A. PO Box 30285 Salt Lake City, UT 84130	El Paso ABA Management LLC PO Box 371063 El Paso, TX 79937	Sprint KSOPHT0101-Z4300 6391 Sprint Parkway Overland Park KS 66251-4300
CFI Security, Inc. 6410 Airporat Rd., Ste. 4 El Paso, TX 79925	Entertainment Extra 9969 Topanga Cyn Blvd 106 Chatsworth, CA 91311	Steven C. James 521 Texas Ave. El Paso, TX 79901
CFI Security, Inc. 6410 Airport Rd., Ste. 4 El Paso, TX 79925	Golden Shores Vacation Club VE00130 PO Box 5025 Downey, CA 90241	T-Mobile P.O. Box 660252 Dallas, Texas 75266-0252
CFI Security, Inc. 6410 Airport Road, Ste. 4 El Paso, TX 79925	IRS - Special Procedures Staff Stop 5022 AUS 300 E. 8th Street Austin, TX 78701	The Bank of New York Mellon successor to Chase Bank Texas Rosicki, Rosicki & Associates P 51 East Bethpage Rd. Plainview, NY 11803

Timepayment Corp Llc
317327953173279
16 Ne Exec Office Park S
Burlington, MA 01803

U.S. Attorney
FHZ/HUD/VA/IRS
601 N.W. Loop 410, Suite 600
San Antonio, TX 78216

University Hills Plaza
3800 N. Mesa, Suite D-2
El Paso, TX 79902

US Small Business Administratio
2457846002
200 W. Santa Ana Blvd., Ste. 18
Santa Ana, CA 92701

Victor M. Firth, Esq.
Firth, Johnston & Martinez
415 N. Mesa, 3rd Floor
El Paso, TX 79901



A. Settlement Statement (HUD-1)

B. Type of Loan																																																																																																																																																																																									
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C. Note: This form is furnished to give you a statement of actual settlement costs. Amounts paid to and by the settlement agent are shown. Items marked "(p.o.c.)" were paid outside the closing; they are shown here for informational purposes and are not included in the totals.																																																																																																																																																																																									
D. Name & Address of Borrower Robbie D. Wolff 12532 Tierra China Court El Paso, TX 79938-4761		E. Name & Address of Seller ,																																																																																																																																																																																							
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The Public Reporting Burden for this collection of information is estimated at 35 minutes per response for collecting, reviewing, and reporting the data. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number. No confidentiality is assured; this disclosure is mandatory. This is designed to provide the parties to a RESPA covered transaction with information during the settlement process.

POC (B) – Paid Outside of Closing by Borrower. POC (S) – Paid Outside of Closing by Seller. POC (L) – Paid Outside of Closing by Lender.

L. Settlement Charges

700. Total Real Estate Broker Fees			Paid From Borrower's Funds at Settlement	Paid From Seller's Funds at Settlement
Division of Commission (line 700) as follows:				
701. to				
702. to				
703.				
704. The following persons, firms or corporations received to				
705. a portion of the real estate commission amount shown above to				
800. Items Payable in Connection with Loan				
801. Our origination charge		\$0.00	(from GFE #1)	
802. Your credit or charge (points) for the specific rate chosen		\$0.00	(from GFE #2)	
803. Your adjusted origination charges to			(from GFE A)	
804. Appraisal Fee to			(from GFE #3)	
805. Credit report to			(from GFE #3)	
806. Tax service to			(from GFE #3)	
807. Flood certification to			(from GFE #3)	
900. Items Required by Lender To Be Paid in Advance				
901. Daily interest charges from 1/31/2012 to 2/1/2012 @ \$0/day			(from GFE #10)	
902. Mortgage Insurance Premium for months to			(from GFE #3)	
903. Homeowner's insurance for years to			(from GFE #11)	
1000. Reserves Deposited With Lender				
1001. Initial Deposit for your escrow account			(from GFE #9)	\$0.00
1002. Homeowner's insurance months @ per month				
1003. Mortgage insurance months @ per month				
1004. City property taxes months @ per month				
1005. County property taxes months @ per month				
1006. School Taxes months @ per month				
1007. HOA Dues months @ per month				
1008. Other months @ per month				
1009. Other 0 months @				
1010. Other 0 months @				
1011. Aggregate Adjustment				
1100. Title Charges				
1101. Title services and lender's title insurance to Lone Star Title Company of El Paso			(from GFE #4)	\$1,430.64
1102. Settlement or closing fee to Lone Star Title Company of El Paso		\$300.00		
1103. Owner's title insurance to Lone Star Title Company of El Paso			(from GFE #5)	
1104. Lender's title insurance to Lone Star Title Company of El Paso		\$1,071.00		
1105. Lender's title policy limit \$ \$123,900.00/\$1,071.00				
1106. Owner's title policy limit \$ \$0.00/\$0.00				
1107. Agent's portion of the total title insurance premium to Lone Star Title Company of El Paso		\$910.35		
1108. Underwriter's portion of the total title insurance premium to		\$160.65		
1109. State of Texas Policy Guaranty Fee to Texas Title Insurance Guaranty Association		\$2.00	(from GFE #4)	
1110. State of Texas Policy Guaranty Fee to Texas Title Insurance Guaranty Association			(from GFE #5)	
1111. Tax Certificates to TaxQuest, LLC		\$42.64	(from GFE #4)	
1112. Courier Fee to Lone Star Title Company of El Paso		\$15.00	(from GFE #4)	
1200. Government Recording and Transfer Charges				
1201. Government recording charges			(from GFE #7)	\$84.00
1202. Deed ; Mortgage \$84.00 , Release \$20.00 to Lone Star Title Company of El Paso				
1203. Transfer taxes			(from GFE #8)	
1204. City/County tax/stamps Deed \$0.00 ; Mortgage \$0.00				
1205. State tax/stamps Deed \$0.00 ; Mortgage \$0.00				
1300. Additional Settlement Charges				
1301. Required services you can shop for			(from GFE #6)	
1302. 2011 Property Taxes Due to Tax Assessor Collector				\$3,738.27
1400. Total Settlement Charges (enter on lines 103, Section J and 502, Section K)				\$5,252.91

POC (B) – Paid Outside of Closing by Borrower. POC (S) – Paid Outside of Closing by Seller. POC (L) – Paid Outside of Closing by Lender.

Comparison of Good Faith Estimate (GFE) and HUD-1 Charges	
Charges That Cannot Increase	HUD-1 Line Number
Our origination charge	# 801
Your credit or charge (points) for the specific rate chosen	# 802
Your adjusted origination charges	# 803
Transfer taxes	# 1203

Good Faith Estimate	HUD-1
\$0.00	\$0.00
\$0.00	\$0.00
\$0.00	\$0.00
\$0.00	\$0.00

Charges That in Total Cannot Increase More Than 10%	
Government recording charges	# 1201
Total	
Increase between GFE and HUD-1 Charges	

Good Faith Estimate	HUD-1
\$0.00	\$84.00
	\$84.00
\$84.00	or 100%

Charges That Can Change	
Initial deposit for your escrow account	# 1001
Daily interest charges	# 901 \$0/day
Homeowner's insurance	# 903

Good Faith Estimate	HUD-1
\$0.00	\$0.00
\$0.00	\$0.00
\$0.00	\$0.00

Loan Terms

Your initial loan amount is	\$123,900.00
Your loan term is	years
Your initial interest rate is	%
Your initial monthly amount owed for principal, interest, and any mortgage insurance is	includes <input type="checkbox"/> Principal <input type="checkbox"/> Interest <input type="checkbox"/> Mortgage Insurance
Can your interest rate rise?	<input checked="" type="checkbox"/> No. <input type="checkbox"/> Yes, it can rise to a maximum of %. The first change will be on and can change again every after. Every change date, your interest rate can increase or decrease by %. Over the life of the loan, your interest rate is guaranteed to never be lower than % or higher than %.
Even if you make payments on time, can your loan balance rise?	<input checked="" type="checkbox"/> No. <input type="checkbox"/> Yes, it can rise to a maximum of
Even if you make payments on time, can your monthly amount owed for principal, interest, and mortgage insurance rise?	<input checked="" type="checkbox"/> No. <input type="checkbox"/> Yes, the first increase can be on and the monthly amount owed can rise to. The maximum it can ever rise to is
Does your loan have a prepayment penalty?	<input checked="" type="checkbox"/> No. <input type="checkbox"/> Yes, your maximum prepayment penalty is
Does your loan have a balloon payment?	<input checked="" type="checkbox"/> No. <input type="checkbox"/> Yes, you have a balloon payment of due in years on
Total monthly amount owed including escrow account payments	<input checked="" type="checkbox"/> You do not have a monthly escrow payment for items, such as property taxes and homeowner's insurance. You must pay these items directly yourself. <input type="checkbox"/> You have an additional monthly escrow payment of that results in a total initial monthly amount owed of. This includes principal, interest, any mortgage insurance and any items checked below: <div style="display: flex; justify-content: space-between;"> <input type="checkbox"/> Property taxes <input type="checkbox"/> Homeowner's Insurance <input type="checkbox"/> Flood insurance <input type="checkbox"/> </div>

Note: If you have any questions about the Settlement Charges and Loan Terms listed on this form, please contact your lender.

I have carefully reviewed the HUD-1 Settlement Statement and to the best of my knowledge and belief, it is a true and accurate statement of all receipts and disbursements made on my account or by me in this transaction. I further certify that I have received a completed copy of pages 1, 2 and 3 of this HUD-1 Settlement Statement.

Robbie D. Wolff

SETTLEMENT AGENT CERTIFICATION

The HUD-1 Settlement Statement which I have prepared is a true and accurate account of this transaction. I have caused the funds to be disbursed in accordance with this statement.

Settlement Agent _____ Date _____
Warning: It is a crime to knowingly make false statements to the United States on this or any other similar form. Penalties upon conviction can include a fine and imprisonment. For details see: Title 18 U.S. Code Section 1001 and Section 1010.



Date: February 9, 2012

Mortgage Broker or Loan Officer:

NMLS# 281619

Address: 10657 Vista Del Sol Suite C

Phone Number: 915-595-4600

Subject Property: 12532 Tierra China, Texas 79928

Dear Ms. Stoiber,

Here are the terms of your refinance:

- Rate: 4%
- Term: 30 year note
- Payment: \$945.72

Please note that your new payment includes all escrows (taxes and homeowners insurance). Your current payment with all escrows is \$1,769.46. Your net payment reduction by refinancing your current note will be \$823.70.

If I can be of any further assistance please feel free to contact me at (915) 595-4600.

Thank You,
Edmundo Portillo
mundo@epnmllc.com

915.595.4600 915.845.4611 fax
10657 Vista del Sol Ste. C El Paso, TX 79935